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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

ABANTE ROOTER AND PLUMBING) Case No.

INC, individually and on behalf of all )  
 others similarly situated, )

Plaintiff, )

vs. )

MCAN, LLC; and DOES 1 through 10, )  
 inclusive, )

Defendant. )

**CLASS ACTION**

**COMPLAINT FOR VIOLATIONS  
 OF:**

1. NEGLIGENT VIOLATIONS  
 OF THE TELEPHONE  
 CONSUMER PROTECTION  
 ACT [47 U.S.C. §227(b)]
2. WILLFUL VIOLATIONS  
 OF THE TELEPHONE  
 CONSUMER PROTECTION  
 ACT [47 U.S.C. §227(b)]
3. NEGLIGENT VIOLATIONS  
 OF THE TELEPHONE  
 CONSUMER PROTECTION  
 ACT [47 U.S.C. §227(c)]
4. WILLFUL VIOLATIONS  
 OF THE TELEPHONE  
 CONSUMER PROTECTION  
 ACT [47 U.S.C. §227(c)]

**DEMAND FOR JURY TRIAL**

1 Plaintiff ABANTE ROOTER AND PLUMBING INC (“Plaintiff”),  
2 individually and on behalf of all others similarly situated, alleges the following  
3 upon information and belief based upon personal knowledge:

4 **NATURE OF THE CASE**

5 1. Plaintiff brings this action individually and on behalf of all others  
6 similarly situated seeking damages and any other available legal or equitable  
7 remedies resulting from the illegal actions of MCAN, LLC (“Defendant”), in  
8 negligently, knowingly, and/or willfully contacting Plaintiff on Plaintiff’s cellular  
9 telephone in violation of the Telephone Consumer Protection Act, 47. U.S.C. § 227  
10 *et seq.* (“TCPA”) and related regulations, specifically the National Do-Not-Call  
11 provisions, thereby invading Plaintiff’s privacy.

12 **JURISDICTION & VENUE**

13 2. Jurisdiction is proper under 28 U.S.C. § 1332(d)(2) because Plaintiff,  
14 a California corporation with its principle place of business also in California, seeks  
15 relief on behalf of a Class, which will result in at least one class member belonging  
16 to a different state than that of Defendant, a California company. Plaintiff also seeks  
17 up to \$1,500.00 in damages for each call in violation of the TCPA, which, when  
18 aggregated among a proposed class in the thousands, exceeds the \$5,000,000.00  
19 threshold for federal court jurisdiction. Therefore, both diversity jurisdiction and  
20 the damages threshold under the Class Action Fairness Act of 2005 (“CAFA”) are  
21 present, and this Court has jurisdiction.

22 3. Venue is proper in the United States District Court for the Northern  
23 District of California pursuant to 28 U.S.C. § 1391(b)(2) because Defendant does  
24 business within the State of California and Plaintiff resides within the County of  
25 Riverside.

26 **PARTIES**

27 4. Plaintiff, ABANTE ROOTER AND PLUMBING INC (“Plaintiff”),  
28 is a rooting and plumbing business in Emeryville, California and is a “person” as

1 defined by *47 U.S.C. § 153 (39)*.

2 5. Defendant, MCAN, LLC (“MCAN”), is an entity in the business  
3 finance industry, and is a “person” as defined by *47 U.S.C. § 153 (39)*.

4 6. The above named Defendant, and its subsidiaries and agents, are  
5 collectively referred to as “Defendants.” The true names and capacities of the  
6 Defendants sued herein as DOE DEFENDANTS 1 through 10, inclusive, are  
7 currently unknown to Plaintiff, who therefore sues such Defendants by fictitious  
8 names. Each of the Defendants designated herein as a DOE is legally responsible  
9 for the unlawful acts alleged herein. Plaintiff will seek leave of Court to amend the  
10 Complaint to reflect the true names and capacities of the DOE Defendants when  
11 such identities become known.

12 7. Plaintiff is informed and believes that at all relevant times, each and  
13 every Defendant was acting as an agent and/or employee of each of the other  
14 Defendants and was acting within the course and scope of said agency and/or  
15 employment with the full knowledge and consent of each of the other Defendants.  
16 Plaintiff is informed and believes that each of the acts and/or omissions complained  
17 of herein was made known to, and ratified by, each of the other Defendants.

18 **FACTUAL ALLEGATIONS**

19 8. Beginning in or around May of 2016 and continuing through May of  
20 2017, Defendant contacted Plaintiff on Plaintiff’s cellular telephone number ending  
21 in -0106, in an attempt to solicit Plaintiff to purchase Defendant’s services.

22 9. Defendant used an “automatic telephone dialing system” as defined  
23 by *47 U.S.C. § 227(a)(1)* to place its calls to Plaintiff seeking to solicit its services.

24 10. Defendant contacted or attempted to contact Plaintiff from telephone  
25 numbers, belonging to Defendant, but not limited to, (213) 784-2674, (617) 206-  
26 1676, (720) 450-9601, and (925) 253-9961.

27 11. Defendant’s calls constituted calls that were not for emergency  
28 purposes as defined by *47 U.S.C. § 227(b)(1)(A)*.

1        12. Defendant's calls were placed to telephone number assigned to a  
2 cellular telephone service for which Plaintiff incurs a charge for incoming calls  
3 pursuant to 47 U.S.C. § 227(b)(1).

4        13. During all relevant times, Defendant did not possess Plaintiff's "prior  
5 express consent" to receive calls using an automatic telephone dialing system or an  
6 artificial or prerecorded voice on its cellular telephones pursuant to 47 U.S.C. §  
7 227(b)(1)(A).

8        14. Furthermore, Plaintiff's cellular telephone number ending in -0106,  
9 has been on the National Do-Not-Call Registry well over thirty (30) days prior to  
10 Defendant's initial calls.

11        15. Defendant placed multiple calls soliciting its business to Plaintiff on  
12 its cellular telephones beginning in or around May of 2016 and continued until in  
13 or around May of 2017.

14        16. Such calls constitute solicitation calls pursuant to 47 C.F.R. §  
15 64.1200(c)(2) as they were attempts to promote or sell Defendant's services.

16        17. Plaintiff received numerous solicitation calls from Defendant within a  
17 12-month period.

18        18. Plaintiff requested for Defendant to stop calling Plaintiff during one  
19 of the initial calls from Defendant, thus revoking any prior express consent that had  
20 existed and terminating any established business relationship that had existed, as  
21 defined under 16 C.F.R. 310.4(b)(1)(iii)(B).

22        19. Despite this, Defendant continued to call Plaintiff in an attempt to  
23 solicit its services and in violation of the National Do-Not-Call provisions of the  
24 TCPA.

25        20. Upon information and belief, and based on Plaintiff's experiences of  
26 being called by Defendant after requesting they stop calling, and at all relevant  
27 times, Defendant failed to establish and implement reasonable practices and  
28 procedures to effectively prevent telephone solicitations in violation of the

regulations prescribed under 47 U.S.C. § 227(c)(5).

**CLASS ALLEGATIONS**

21. Plaintiff brings this action individually and on behalf of all others similarly situated, as a member the four proposed classes (hereafter, “The Classes”). The class concerning the ATDS claim for no prior express consent (hereafter “The ATDS Class”) is defined as follows:

All persons within the United States who received any solicitation/telemarketing telephone calls from Defendant to said person’s cellular telephone made through the use of any automatic telephone dialing system or an artificial or prerecorded voice and such person had not previously consented to receiving such calls within the four years prior to the filing of this Complaint

22. The class concerning the ATDS claim for revocation of consent, to the extent prior consent existed (hereafter “The ATDS Revocation Class”) is defined as follows:

All persons within the United States who received any solicitation/telemarketing telephone calls from Defendant to said person’s cellular telephone made through the use of any automatic telephone dialing system or an artificial or prerecorded voice and such person had revoked any prior express consent to receive such calls prior to the calls within the four years prior to the filing of this Complaint.

23. The class concerning the National Do-Not-Call violation (hereafter “The DNC Class”) is defined as follows:

All persons within the United States registered on the National Do-Not-Call Registry for at least 30 days, who had not granted Defendant prior express consent nor had

1 a prior established business relationship, who received  
2 more than one call made by or on behalf of Defendant  
3 that promoted Defendant's products or services, within  
4 any twelve-month period, within four years prior to the  
filing of the complaint.

5 24. The class concerning the National Do-Not-Call violation following  
6 revocation of consent and prior business relationship, to the extent they existed  
7 (hereafter "The DNC Revocation Class") is defined as follows:

8 All persons within the United States registered on the  
9 National Do-Not-Call Registry for at least 30 days, who  
10 received more than one call made by or on behalf of  
11 Defendant that promoted Defendant's products or  
12 services, after having revoked consent and any prior  
13 established business relationship, within any twelve-  
month period, within four years prior to the filing of the  
complaint.

14 25. Plaintiff represents, and is a member of, The ATDS Class, consisting  
15 of all persons within the United States who received any solicitation telephone calls  
16 from Defendant to said person's cellular telephone made through the use of any  
17 automatic telephone dialing system or an artificial or prerecorded voice and such  
18 person had not previously not provided their cellular telephone number to  
19 Defendant within the four years prior to the filing of this Complaint.

20 26. Plaintiff represents, and is a member of, The ATDS Revocation Class,  
21 consisting of all persons within the United States who received any  
22 solicitation/telemarketing telephone calls from Defendant to said person's cellular  
23 telephone made through the use of any automatic telephone dialing system or an  
24 artificial or prerecorded voice and such person had revoked any prior express  
25 consent to receive such calls prior to the calls within the four years prior to the  
26 filing of this Complaint.

27 27. Plaintiff represents, and is a member of, The DNC Class, consisting  
28

1 of all persons within the United States registered on the National Do-Not-Call  
2 Registry for at least 30 days, who had not granted Defendant prior express consent  
3 nor had a prior established business relationship, who received more than one call  
4 made by or on behalf of Defendant that promoted Defendant's products or services,  
5 within any twelve-month period, within four years prior to the filing of the  
6 complaint.

7 28. Plaintiff represents, and is a member of, The DNC Revocation Class,  
8 consisting of all persons within the United States registered on the National Do-  
9 Not-Call Registry for at least 30 days, who received more than one call made by or  
10 on behalf of Defendant that promoted Defendant's products or services, after  
11 having revoked consent and any prior established business relationship, within any  
12 twelve-month period, within four years prior to the filing of the complaint.

13 29. Defendant, their employees and agents are excluded from The  
14 Classes. Plaintiff does not know the number of members in The Classes, but  
15 believes the Classes members number in the thousands, if not more. Thus, this  
16 matter should be certified as a Class Action to assist in the expeditious litigation of  
17 the matter.

18 30. The Classes are so numerous that the individual joinder of all of its  
19 members is impractical. While the exact number and identities of The Classes  
20 members are unknown to Plaintiff at this time and can only be ascertained through  
21 appropriate discovery, Plaintiff is informed and believes and thereon alleges that  
22 The Classes includes thousands of members. Plaintiff alleges that The Classes  
23 members may be ascertained by the records maintained by Defendant.

24 31. Plaintiff and members of The ATDS Class and The ATDS Revocation  
25 Class were harmed by the acts of Defendant in at least the following ways:  
26 Defendant illegally contacted Plaintiff and ATDS Class members via their cellular  
27 telephones thereby causing Plaintiff and ATDS Class and ATDS Revocation Class  
28 members to incur certain charges or reduced telephone time for which Plaintiff and



1 ATDS Class and ATDS Revocation Class members had previously paid by having  
 2 to retrieve or administer messages left by Defendant during those illegal calls, and  
 3 invading the privacy of said Plaintiff and ATDS Class and ATDS Revocation Class  
 4 members.

5 32. Common questions of fact and law exist as to all members of The  
 6 ATDS Class which predominate over any questions affecting only individual  
 7 members of The ATDS Class. These common legal and factual questions, which  
 8 do not vary between ATDS Class members, and which may be determined without  
 9 reference to the individual circumstances of any ATDS Class members, include,  
 10 but are not limited to, the following:

- 11 a. Whether, within the four years prior to the filing of this  
 12 Complaint, Defendant made any telemarketing/solicitation call  
 13 (other than a call made for emergency purposes or made with  
 14 the prior express consent of the called party) to a ATDS Class  
 15 member using any automatic telephone dialing system or any  
 16 artificial or prerecorded voice to any telephone number  
 17 assigned to a cellular telephone service;
- 18 b. Whether Plaintiff and the ATDS Class members were damaged  
 19 thereby, and the extent of damages for such violation; and
- 20 c. Whether Defendant and their agents should be enjoined from  
 21 engaging in such conduct in the future.

22 33. As a person that received numerous telemarketing/solicitation calls  
 23 from Defendant using an automatic telephone dialing system or an artificial or  
 24 prerecorded voice, without Plaintiff's prior express consent, Plaintiff is asserting  
 25 claims that are typical of The ATDS Class.

26 34. Common questions of fact and law exist as to all members of The  
 27 ATDS Revocation Class which predominate over any questions affecting only  
 28 individual members of The ATDS Revocation Class. These common legal and



1 factual questions, which do not vary between ATDS Revocation Class members,  
2 and which may be determined without reference to the individual circumstances of  
3 any ATDS Revocation Class members, include, but are not limited to, the  
4 following:

- 5 a. Whether, within the four years prior to the filing of this  
6 Complaint, Defendant made any telemarketing/solicitation call  
7 (other than a call made for emergency purposes or made with  
8 the prior express consent of the called party) to an ATDS  
9 Revocation Class member, who had revoked any prior express  
10 consent to be called using an ATDS, using any automatic  
11 telephone dialing system or any artificial or prerecorded voice  
12 to any telephone number assigned to a cellular telephone  
13 service;
- 14 b. Whether Plaintiff and the ATDS Revocation Class members  
15 were damaged thereby, and the extent of damages for such  
16 violation; and
- 17 c. Whether Defendant and their agents should be enjoined from  
18 engaging in such conduct in the future.

19 35. As a person that received numerous telemarketing/solicitation calls  
20 from Defendant using an automatic telephone dialing system or an artificial or  
21 prerecorded voice, after Plaintiff had revoked any prior express consent, Plaintiff  
22 is asserting claims that are typical of The ATDS Revocation Class.

23 36. Plaintiff and members of The DNC Class and DNC Revocation Class  
24 were harmed by the acts of Defendant in at least the following ways: Defendant  
25 illegally contacted Plaintiff and DNC Class and DNC Revocation Class members  
26 via their telephones for solicitation purposes, thereby invading the privacy of said  
27 Plaintiff and the DNC Class and DNC Revocation Class members whose telephone  
28 numbers were on the National Do-Not-Call Registry. Plaintiff and the DNC Class

1 and DNC Revocation Class members were damaged thereby.

2 37. Common questions of fact and law exist as to all members of The  
3 DNC Class which predominate over any questions affecting only individual  
4 members of The DNC Class. These common legal and factual questions, which do  
5 not vary between DNC Class members, and which may be determined without  
6 reference to the individual circumstances of any DNC Class members, include, but  
7 are not limited to, the following:

- 8 a. Whether, within the four years prior to the filing of this  
9 Complaint, Defendant or its agents placed more than one  
10 solicitation call to the members of the DNC Class whose  
11 telephone numbers were on the National Do-Not-Call Registry  
12 and who had not granted prior express consent to Defendant and  
13 did not have an established business relationship with  
14 Defendant;
- 15 b. Whether Defendant obtained prior express written consent to  
16 place solicitation calls to Plaintiff or the DNC Class members'  
17 telephones;
- 18 c. Whether Plaintiff and the DNC Class member were damaged  
19 thereby, and the extent of damages for such violation; and
- 20 d. Whether Defendant and their agents should be enjoined from  
21 engaging in such conduct in the future.

22 38. As a person that received numerous solicitation calls from Defendant  
23 within a 12-month period, who had not granted Defendant prior express consent  
24 and did not have an established business relationship with Defendant, Plaintiff is  
25 asserting claims that are typical of the DNC Class.

26 39. Common questions of fact and law exist as to all members of The  
27 DNC Class which predominate over any questions affecting only individual  
28 members of The DNC Revocation Class. These common legal and factual

1 questions, which do not vary between DNC Revocation Class members, and which  
2 may be determined without reference to the individual circumstances of any DNC  
3 Revocation Class members, include, but are not limited to, the following:

- 4 a. Whether, within the four years prior to the filing of this  
5 Complaint, Defendant or its agents placed more than one  
6 solicitation call to the members of the DNC Class whose  
7 telephone numbers were on the National Do-Not-Call Registry  
8 and who had revoked any prior express consent and any  
9 established business relationship with Defendant;
- 10 b. Whether Plaintiff and the DNC Class member were damaged  
11 thereby, and the extent of damages for such violation; and
- 12 c. Whether Defendant and their agents should be enjoined from  
13 engaging in such conduct in the future.

14 40. As a person that received numerous solicitation calls from Defendant  
15 within a 12-month period, who, to the extent one existed, had revoked any prior  
16 express consent and any established business relationship with Defendant, Plaintiff  
17 is asserting claims that are typical of the DNC Revocation Class.

18 41. Plaintiff will fairly and adequately protect the interests of the members  
19 of The Classes. Plaintiff has retained attorneys experienced in the prosecution of  
20 class actions.

21 42. A class action is superior to other available methods of fair and  
22 efficient adjudication of this controversy, since individual litigation of the claims  
23 of all Classes members is impracticable. Even if every Classes member could  
24 afford individual litigation, the court system could not. It would be unduly  
25 burdensome to the courts in which individual litigation of numerous issues would  
26 proceed. Individualized litigation would also present the potential for varying,  
27 inconsistent, or contradictory judgments and would magnify the delay and expense  
28 to all parties and to the court system resulting from multiple trials of the same

1 complex factual issues. By contrast, the conduct of this action as a class action  
 2 presents fewer management difficulties, conserves the resources of the parties and  
 3 of the court system, and protects the rights of each Classes member.

4 43. The prosecution of separate actions by individual Classes members  
 5 would create a risk of adjudications with respect to them that would, as a practical  
 6 matter, be dispositive of the interests of the other Classes members not parties to  
 7 such adjudications or that would substantially impair or impede the ability of such  
 8 non-party Class members to protect their interests.

9 44. Defendant have acted or refused to act in respects generally applicable  
 10 to The Classes, thereby making appropriate final and injunctive relief with regard  
 11 to the members of the Classes as a whole.

## 12 **FIRST CAUSE OF ACTION**

### 13 **Negligent Violations of the Telephone Consumer Protection Act**

#### 14 **47 U.S.C. §227(b).**

#### 15 **On Behalf of the ATDS Class and ATDS Revocation Class**

16 45. Plaintiff repeats and incorporates by reference into this cause of action  
 17 the allegations set forth above at Paragraphs 1-44.

18 46. The foregoing acts and omissions of Defendant constitute numerous  
 19 and multiple negligent violations of the TCPA, including but not limited to each  
 20 and every one of the above cited provisions of *47 U.S.C. § 227(b)*, and in particular  
 21 *47 U.S.C. § 227 (b)(1)(A)*.

22 47. As a result of Defendant's negligent violations of *47 U.S.C. § 227(b)*,  
 23 Plaintiff and the Class Members are entitled an award of \$500.00 in statutory  
 24 damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)*.

25 48. Plaintiff and the ATDS Class and ATDS Revocation Class members  
 26 are also entitled to and seek injunctive relief prohibiting such conduct in the future.

27 ///

**SECOND CAUSE OF ACTION**

**Knowing and/or Willful Violations of the Telephone Consumer Protection Act**

**47 U.S.C. §227(b)**

**On Behalf of the ATDS Class and the ATDS Revocation Class**

49. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-44.

50. The foregoing acts and omissions of Defendant constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above cited provisions of *47 U.S.C. § 227(b)*, and in particular *47 U.S.C. § 227 (b)(1)(A)*.

51. As a result of Defendant's knowing and/or willful violations of *47 U.S.C. § 227(b)*, Plaintiff and the ATDS Class and ATDS Revocation Class members are entitled an award of \$1,500.00 in statutory damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)* and *47 U.S.C. § 227(b)(3)(C)*.

52. Plaintiff and the Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

**THIRD CAUSE OF ACTION**

**Negligent Violations of the Telephone Consumer Protection Act**

**47 U.S.C. §227(c)**

**On Behalf of the DNC Class and the DNC Revocation Class**

53. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-44.

54. The foregoing acts and omissions of Defendant constitute numerous and multiple negligent violations of the TCPA, including but not limited to each and every one of the above cited provisions of *47 U.S.C. § 227(c)*, and in particular *47 U.S.C. § 227 (c)(5)*.

55. As a result of Defendant's negligent violations of *47 U.S.C. § 227(c)*,

1 Plaintiff and the DNC Class and DNC Revocation Class Members are entitled an  
2 award of \$500.00 in statutory damages, for each and every violation, pursuant to  
3 *47 U.S.C. § 227(c)(5)(B)*.

4 56. Plaintiff and the DNC Class and DNC Revocation Class members are  
5 also entitled to and seek injunctive relief prohibiting such conduct in the future.

6 **FOURTH CAUSE OF ACTION**

7 **Knowing and/or Willful Violations of the Telephone Consumer Protection**  
8 **Act**

9 **47 U.S.C. §227 et seq.**

10 **On Behalf of the DNC Class and DNC Revocation Class**

11 57. Plaintiff repeats and incorporates by reference into this cause of action  
12 the allegations set forth above at Paragraphs 1-44.

13 58. The foregoing acts and omissions of Defendant constitute numerous  
14 and multiple knowing and/or willful violations of the TCPA, including but not  
15 limited to each and every one of the above cited provisions of *47 U.S.C. § 227(c)*,  
16 in particular *47 U.S.C. § 227 (c)(5)*.

17 59. As a result of Defendant's knowing and/or willful violations of *47*  
18 *U.S.C. § 227(c)*, Plaintiff and the DNC Class and DNC Revocation Class members  
19 are entitled an award of \$1,500.00 in statutory damages, for each and every  
20 violation, pursuant to *47 U.S.C. § 227(c)(5)*.

21 60. Plaintiff and the DNC Class and DNC Revocation Class members are  
22 also entitled to and seek injunctive relief prohibiting such conduct in the future.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff requests judgment against Defendant for the following:

25 **FIRST CAUSE OF ACTION**

26 **Negligent Violations of the Telephone Consumer Protection Act**

27 **47 U.S.C. §227(b)**

- 28
  - As a result of Defendant's negligent violations of *47 U.S.C.*

§227(b)(1), Plaintiff and the ATDS Class and ATDS Revocation Class members are entitled to and request \$500 in statutory damages, for each and every violation, pursuant to 47 U.S.C. 227(b)(3)(B).

- Any and all other relief that the Court deems just and proper.

## **SECOND CAUSE OF ACTION**

### **Knowing and/or Willful Violations of the Telephone Consumer Protection Act**

#### **47 U.S.C. §227(b)**

- As a result of Defendant's willful and/or knowing violations of 47 U.S.C. §227(b)(1), Plaintiff and the ATDS Class and ATDS Revocation Class members are entitled to and request treble damages, as provided by statute, up to \$1,500, for each and every violation, pursuant to 47 U.S.C. §227(b)(3)(B) and 47 U.S.C. §227(b)(3)(C).
- Any and all other relief that the Court deems just and proper.

## **THIRD CAUSE OF ACTION**

### **Negligent Violations of the Telephone Consumer Protection Act**

#### **47 U.S.C. §227(c)**

- As a result of Defendant's negligent violations of 47 U.S.C. §227(c)(5), Plaintiff and the DNC Class and DNC Revocation Class members are entitled to and request \$500 in statutory damages, for each and every violation, pursuant to 47 U.S.C. 227(c)(5).
- Any and all other relief that the Court deems just and proper.

## **FOURTH CAUSE OF ACTION**

### **Knowing and/or Willful Violations of the Telephone Consumer Protection Act**

#### **47 U.S.C. §227(c)**

- As a result of Defendant's willful and/or knowing violations of 47 U.S.C. §227(c)(5), Plaintiff and the DNC Class and DNC Revocation



1 Class members are entitled to and request treble damages, as provided  
2 by statute, up to \$1,500, for each and every violation, pursuant to 47  
3 *U.S.C. §227(c)(5)*.

- 4 • Any and all other relief that the Court deems just and proper.

5 **JURY DEMAND**

6 61. Pursuant to the Seventh Amendment to the Constitution of the United  
7 States of America, Plaintiff is entitled to, and demands, a trial by jury.

8 Respectfully Submitted this 29th Day of September, 2017.

9 LAW OFFICES OF TODD M. FRIEDMAN, P.C.

10  
11 By: /s/ Todd M. Friedman  
12 Todd M. Friedman  
13 Law Offices of Todd M. Friedman  
14 Attorney for Plaintiff  
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